

1 **R277. Education, Administration.**

2 **R277-920. Implementation of the School Turnaround and Leadership**  
3 **Development Act.**

4 **R277-920-1. Authority and Purpose.**

5 (1) This rule is authorized by:

6 (a) Utah Constitution Article X, Section 3, which vests general control and  
7 supervision over public education in the Board;

8 (b) Subsection 53A-1-401(3), which allows the Board to adopt rules in  
9 accordance with its responsibilities; and

10 (c) Title 53A, Chapter 1, Part 12, School Turnaround and Leadership  
11 Development Act, which requires the Board to make rules to establish:

12 (i) outcome-based measures to designate a low performing school;

13 (ii) an appeal process for the denial of a school turnaround plan;

14 (iii) consequences for a low performing school; and

15 (iv) eligibility criteria, application procedures, selection criteria, and procedures  
16 for awarding incentive pay for the School Leadership Development Program.

17 (2) The purpose of this rule is to implement and administer the School  
18 Turnaround and Leadership Development Act.

19 **R277-920-2. Definitions.**

20 (1) "Appeal committee" means the committee established by Section  
21 R277-920-5.

22 (2) "Committee" means a school turnaround committee established in  
23 accordance with Subsection 53A-1-1204(1) or 53A-1-1205(4).

24 (3) "Eligible school" means the same as that term is defined in Section 53A-1-  
25 1208.

26 (4) "Low performing school" means a school in the lowest performing:

27 (a) 3% of the high schools statewide according to the percentage of possible  
28 points earned under the school grading system; and

29 (b) 3% of the elementary, middle, and junior high schools statewide according  
30 to the percentage of possible points earned under the school grading system.

31 (5) "Plan" means a school turnaround plan described in Subsection 53A-1-

1204(3).

(6) "School improvement grant" means a Title I grant under the Elementary and Secondary Education Act, 20 U.S.C. Sec. 6303(g).

(7) "School leader" means the same as that term is defined in Section 53A-1-1209.

(8) "School turnaround program" means the school turnaround program described in:

(a) Sections 53A-1-1203 through 53A-1-1207; and

(b) Sections R277-920-3 through R277-920-7.

### **R277-920-3. Superintendent's Designation of Low Performing Schools and Waiver Authority.**

(1) The Superintendent may issue a waiver and exclude a low performing school from participating in the school turnaround program if the low performing school:

(a) has been designated a priority school by the Superintendent;

(b) received school improvement grant money for the school year immediately following the school year for which the school is being graded; and

(c) is already working with a turnaround expert through the school improvement grant.

(2) If the Superintendent excludes a low performing school from the school turnaround program as described in Subsection (1), the Superintendent shall designate additional schools, outside of the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system, until the school turnaround program includes at least 3% of the total public schools statewide.

(3) When selecting an additional school described in Subsection (2), the Superintendent shall include the next lowest performing schools according to the percentage of possible points earned under the school grading system.

### **R277-920-4. School turnaround plan submission and approval process.**

(1) (a) A local school board or charter school governing board may approve

62 or deny a plan in whole or in part, if the part of the plan the board denies is severable  
63 from the part of the plan the board approves.

64 (b) A local school board or charter school governing board shall give a reason  
65 for a denial of each part of a plan.

66 (2) A local school board or charter school governing board shall submit a plan  
67 in accordance with Subsection 53A-1-1204(5)(b) or 53A-1-1205(7)(b) to the  
68 Superintendent.

69 (3)(a) In accordance with Subsection 53A-1-1206(4), the Superintendent shall  
70 review and approve or deny a plan in whole or in part, if the part of the plan the  
71 Superintendent denies is severable from the part of the plan the Superintendent  
72 approves.

73 (b) The Superintendent shall give a reason for a denial of each part of a plan.

74 **R277-920-5. Appeal process for denial of a school turnaround plan.**

75 (1) A committee, local school board, or charter school governing board may  
76 appeal the denial of a plan, in whole or in part, by following the procedures and  
77 requirements of this section.

78 (2) An appeal authorized by this rule:

79 (a) is an informal adjudicative proceeding under Section 63G-4-203; and

80 (b) shall be resolved by the date specified in Subsection 53A-1-1206(5)(b).

81 (3) (a) A principal, on behalf of a committee, may request that the local school  
82 board or the charter school governing board reconsider the denial of a plan:

83 (i) by electronically filing the request:

84 (A) with the chair of the local school board or the charter school governing  
85 board; and

86 (B) on a form provided on the USOE website; and

87 (ii) within 5 calendar days of the denial.

88 (b) The reconsideration request may include a modification to the plan if the  
89 committee approves the modification.

90 (c) The local school board or the charter school governing board shall  
91 respond to the request within 10 calendar days by:

92 (i) refusing to reconsider its action;

(ii) approving a plan, in whole or in part; or  
(iii) denying a plan modification.  
(d) The principal may appeal the denial of a plan under this Subsection (3):  
(i) by electronically filing an appeal with the Superintendent on a form  
provided on the USOE website; and  
(ii) within 5 calendar days of the denial.  
(e) An appeal filed under this subsection shall be resolved in accordance with  
Subsections (5) and (6).  
(4) A district superintendent, on behalf of a local school board, or a charter  
school governing board chair, on behalf of a charter school governing board, may  
appeal the Superintendent's denial of a plan:  
(a) by electronically filing an appeal with the Superintendent on a form  
provided on the USOE website; and  
(b) within 5 calendar days of the denial.  
(5)(a) At least three members of a Board committee, appointed by the Board  
as the appeal committee, shall review the written appeal.  
(b) The appeal committee may ask the principal, district superintendent, local  
school board chair, or charter school governing board chair to:  
(i) provide additional written information; or  
(ii) appear personally and provide information.  
(c) The appeal committee shall make a written recommendation within 5  
business days of receipt of the appeal request to the Board to accept, modify, or  
reject the plan and give a reason for the recommendation.  
(6) The Board may accept or reject the appeal committee's recommendation  
and the Board's decision is the final administrative action.

**R277-920-6. Consequences for a low performing school.**

(1) The Board may impose a consequence described in this section if a low  
performing school does not improve the school's grade one letter grade or better  
within the time described in Subsection 53A-1-1207(3).  
(2) The Board may restructure a low performing district school by taking over  
the low performing district school, or by other means as the Board deems

124 appropriate.

125 (3) The Board may restructure a low performing charter school by taking over  
126 the low performing charter school, or by:

127 (a) closing the low performing charter school; or

128 (b) other means as the Board deems appropriate.

129 **R277-920-7. Hearing and procedure requirements related to the Board's**  
130 **imposition of a consequences for low performing schools.**

131 On or before December 1, 2016, the Superintendent shall make  
132 recommendations to the Board for changes to this rule regarding hearing and  
133 procedure requirements related to the Board's imposition of a consequence as  
134 described in Section R277-920-6.

135 **R277-920-8. School Leadership Development Program.**

136 (1) A school leader of a low performing school shall participate in the School  
137 Leadership Development Program.

138 (2)(a) A school leader other than a school leader described in Subsection (1)  
139 may apply to participate in the School Leadership Development Program.

140 (b) A school leader described in Subsection (2)(a) may apply to participate in  
141 the School Leadership Development Program if the school leader:

142 (i) is assigned to a priority school as designated by the Superintendent; or

143 (ii) is nominated by the school leader's district superintendent or charter  
144 school governing board to participate.

145 (3) A school leader who meets the requirements of Subsection (2) may apply  
146 to participate in the School Leadership Development Program by electronically  
147 submitting an application to the Superintendent on a form provided on the USOE  
148 website by the date specified on the USOE website.

149 (4)(a) The Superintendent shall select a school leader to participate in the  
150 School Leadership Development Program based on the following selection criteria:

151 (i) first priority is given to a school leader who is assigned to a low performing  
152 school;

153 (ii) second priority is given to a school leader who is assigned to a priority

154 school as designated by Superintendent; and

155 (iii) third priority is given to a school leader who is nominated by the school  
156 leader's district superintendent or charter school governing board.

157 (b) Notwithstanding Subsection (4)(a), the Superintendent may give priority  
158 to a school leader who has not received prior leadership training before selecting a  
159 school leader who has received prior leadership training.

160 (5) A district superintendent of a school leader participating in the School  
161 Leadership Development Program shall also participate in the School Leadership  
162 Development Program to:

163 (a) support the school leader participating in the School Leadership  
164 Development Program; and

165 (b) assist the school district's local school board to fulfill the requirements of  
166 Subsection 53A-1-1204(4).

167 (6)(a) In accordance with Subsection 53A-1-1209(4), the Superintendent shall  
168 award incentive pay to a school leader within 30 days after the school leader:

169 (i) completes the School Leadership Development Program; and

170 (ii) submits a written agreement to the Superintendent to work as described  
171 in Subsection 53A-1-1209(4).

172 (b) The Superintendent shall evenly divide the appropriation among the  
173 school leaders who meet the requirements of this Subsection (6).

174 (7) The Superintendent may award incentive pay to a school leader described  
175 in Subsection (6) for up to five years.

176 **R277-920-9. School Recognition and Reward Program.**

177 (1) The Superintendent shall distribute school recognition and reward program  
178 money to the principal of an eligible school:

179 (a) in accordance with Section 53A-1-1208; and

180 (b) within 30 days of the Board's official release of school grades for the year  
181 the eligible school is eligible for an award of money.

182 (2) The Superintendent shall notify the principal of an eligible school within 15  
183 days of the Board's official release of school grades:

184 (a) that the eligible school is eligible for an award of money pursuant to

185 Section 53A-1-1208; and  
186 (b) of the amount of the award that the eligible school will receive.  
187 (3) In accordance with Section 53A-1-1208, the principal shall distribute the  
188 money received under Subsection (1):  
189 (a) to each educator assigned to the school for all of the years the school  
190 participated in the school turnaround program; and  
191 (b) in a pro-rated manner to each educator assigned to the school for less  
192 time than the school participated in the school turnaround program.

193 **KEY: school, improvement, leader**

194 **Date of Enactment of Last Substantive Amendment: 2015**

195 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401(3);**

196 **Title 53A-1-12**